

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

PIOTR J. GARDIAS,
Plaintiff,

v.

SAN JOSE STATE UNIVERSITY,
Defendant.

No. C04-04086 HRL

Consolidated With: C04-04768 HRL
C05-01242 HRL
C05-01833 HRL
C06-04695 HRL

**INTERIM ORDER RE PLAINTIFF'S
"MOTION TO COMPEL: REQUEST
FOR HIRING DOCUMENTS"**

On January 22, 2007, plaintiff filed a "Motion to Compel: Request for Hiring Documents." However, it is not apparent that plaintiff made an effort to meet-and-confer with defense counsel before he filed his motion. A motion to compel discovery responses "must include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make the discovery in an effort to secure the information or material without court action." FED.R.CIV.P. 37(a)(2)(B); see also Civ. L. R. 37-1 (the court will not entertain a motion to resolve a discovery dispute unless the parties have previously conferred in an attempt to resolve all disputed issues). Accordingly, IT IS ORDERED THAT:

1. Plaintiff and defense counsel shall promptly meet-and-confer on the issues raised by plaintiff's motion.

1 2. **No later than February 9, 2007**, each party shall file and serve a declaration (a)
2 detailing their meet-and-confer efforts on the issues; and (b) identifying the specific issues, if
3 any, that have been resolved, as well as those that remain in dispute.

4 3. Upon consideration of the parties' declarations, the court will determine what
5 action (if any) will be taken with respect to plaintiff's motion.

6 Dated: January 29, 2007

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9 HOWARD R. LLOYD
10 UNITED STATES MAGISTRATE JUDGE
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1 **A copy of this document will be mailed to:**

2 Piotr J. Gardias
3 72 Floyd St.
4 San Jose, CA 95110

5 Pro Se Plaintiff

6 Mary Susan Cain-Simon
7 CA State Attorney General's Office
8 1515 Clay Street, 20th Floor
9 P. O. Box 70550
10 Oakland, CA 94612-0550

11 Counsel for Defendant

12 Dated: 1/29/07

/s/

Chambers of Magistrate Judge Lloyd